



ANNO QUARTO

ELIZABETHÆ II REGINÆ

A.D. 1955

No. 49 of 1955

An Act to amend the Workmen's Compensation Act, 1932-1954.

[Assented to 8th December, 1955.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Workmen's Compensation Act Amendment Act, 1955".

(2) The Workmen's Compensation Act, 1932-1954, as amended by this Act, may be cited as the "Workmen's Compensation Act, 1932-1955".

(3) The Workmen's Compensation Act, 1932-1954, is hereinafter referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of s. 5 of principal Act—Circumstances where liability does not exist.

3. Section 5 of the principal Act is amended by striking out the whole of paragraph (a) thereof and the letter "(b)" at the commencement of paragraph (b).

Amendment of s. 7 of principal Act—Meaning of workman.

4. Section 7 of the principal Act is amended by striking out the word "thirty-three" in the ninth line of the definition of "workman" therein and inserting in lieu thereof the word "thirty-five".

5. Section 16 of the principal Act is amended—

Amendment of
s. 16 of
principal Act—

(a) by striking out the word “two” occurring before the word “hundred” in paragraph (b) of subsection (1) and inserting in lieu thereof “three”; and

Compensation where workman dies leaving dependants.

(b) by inserting therein after subsection (4) thereof the following subsection:—

(4a) In addition to the compensation provided for by the other provisions of this section the dependants of the workman who have paid or are liable to pay the expenses of his burial shall be entitled to the amount so paid or payable, not exceeding sixty pounds.

6. Section 17 of the principal Act is amended by striking out “fifty” in the last line thereof and inserting in lieu thereof “sixty”.

Amendment of
s. 17 of
principal Act—
Compensation where workman leaves no dependants.

7. Section 18 of the principal Act is amended by striking out the word “five” before the word “hundred” in subsection (3) thereof and inserting in lieu thereof the word “six”.

Amendment of
s. 18 of
principal Act—
Compensation for incapacity.

8. Section 26 of the principal Act is amended—

Amendment of
s. 26 of
principal Act—

(a) by inserting at the end of subsection (1) the words “unless the workman by notice in writing given to the employer or his insurer before the amount of the compensation is settled by agreement or arbitration states that he does not desire to have the compensation assessed under this section. If the workman duly gives such a notice, the compensation shall be assessed as if this section had not been enacted”;

Fixed rates of compensation for certain injuries.

(b) by striking out the word “five” before the word “hundred” in the last line of subsection (5) and inserting in lieu thereof the word “six”;

(c) by striking out the word “five” in the heading to the table at the end of the said section and inserting in lieu thereof the word “six”.

9. Section 69 of the principal Act is amended by adding at the end of paragraph (b) of subsection (2) the following proviso:—

Amendment of
s. 69 of
principal Act—
Liability independently of Act.

Provided that failure to give notice within the said period shall not be a bar to the maintenance of the action

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ment Act, 1955.

if the court finds that the failure was occasioned by mistake, absence from the State, or other reasonable cause.

**Application
of Act.**

10. Sections 3 to 8 (inclusive) of this Act shall apply only in relation to injury or death caused by an accident occurring after the commencement of this Act.

In cases of injury or death by accident occurring before the commencement of this Act the provisions of the principal Act as in force immediately before the commencement of this Act shall apply.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

R. A. GEORGE, Governor.